

**SUMMARY OF THE OFFICE ACTION**

Claims 1, 3, 5-6, 11, 15, 25-27, 29-30, 33 and 34 have been rejected under 35 USC 102(e) as anticipated by Fineman, US Patent No. 5,944,230.

Claims 2, 4, 7-10, 12-14, 28 and 31-32 have been rejected under 35 USC 103(a) as unpatentable over Fineman, US Patent No. 5,944,230, when further considered with Johnson (US Patent No. 6,676,127).

**RECEIVED  
CENTRAL FAX CENTER**

SEP 04 2007

**RESPONSE TO THE REJECTIONS**

Before repeating in detail the previous response, Applicants wish to point out that the rejection is so clearly in error that it cannot be comprehended how the **limitations in the claims** can be asserted to be taught by the references, especially under 35 USC 102(b).F Applicants wish to especially point out Description 4 in the chart below.

The claims require that the preshuffler deliver one group at a time into the shuffler. Fineman must deliver individual cards from each separate chamber at approximately the same time to function. These are different functions. The delivery of one card at a time from each of a multiple number of chambers **does not anticipate**

“...the output portion randomly delivering one group of cards at a time to an input portion of the main shuffler...”

where the term “groups” is defined in the claim as the set of cards in a single compartment. Fineman, as a matter of functioning according to his teachings must deliver individual cards from multiple chambers at the same time. This is absolutely excluded from the limitations of the claims, does not anticipate the claims, and is so fundamental to the practice of Fineman that it cannot be eliminated from Fineman without destroying functionality of that system. The rejection is in error and must be withdrawn.

**It is instructive to look at the Figures of Fineman, especially Figures 2 and 6 to appreciate the impossibility of anticipation or obviousness of the claims of the present application.** In Figure 2 it can be seen that the sets of cards are deposited into the chambers 17 of the Fineman shuffler, but there is no separate shuffler. The entire system is a shuffler. The distribution of the cards into the chambers is not preshuffling, but an integral part of a shuffling operation.

In Figure 6, the runners 47 are shown to be moveable to block and unblock passage of individual cards out of individual chambers. The Fineman shuffler can never shuffle by delivery of one group at a time, but always must deliver one card at a time out of the individual chambers. If an entire group were delivered out of each chamber, there would be no shuffling. Rather the cards would be delivered to the playing surface 51 in the same order as inserted into the shuffler.

If Fineman were used to practice the limitation in Claim 1 of “...the output portion randomly delivering one group of cards at a time to an input portion of the main shuffler...”,

Fineman would merely allow all cards to fall through multiple slots or chambers, leaving them in the same order as placed into the shuffler as shown in Figure 2.

Claims 1, 3, 5-6, 11, 15, 25-27, 29-30, 33 and 34 have been rejected under 35 USC 102(e) as anticipated by Fineman, US Patent No. 5,944,230. Claim 1 clearly recites that the pre-shuffler changes the order of the cards as inserted into the preshuffler by randomly inserting sets of cards, which Fineman does not and cannot do. It is imperative that a literal comparison of the recited limitations and elements of claim 1 be compared to the teachings of Fineman to appreciate the differences between the claimed subject matter and the disclosure of the reference. The claim is broken down into five distinction Descriptive sections (Desc.) for later discussion.

Desc. #	PRESENT CLAIM 1	Fineman	COMMENTS
1	1. (ORIGINAL) A device for shuffling cards comprising: a pre-shuffler; and a main shuffler,	The present invention is a card shuffler comprising a rectangular outer case and a rectangular inner case slidably disposed in the outer case. Col. 1, lines 55-57.	This structure looks vaguely similar to the claimed preshuffler, but in fact it is an essential part of the shuffler itself. There is no combination of a shuffler and a preshuffler as claimed.
2	the pre-shuffler comprising: a plurality of compartments for holding groups of playing cards to be shuffled;	The inner case has a plurality of separators that both divide the playing cards into portions of substantially equal number of cards and define compartments oriented at an angle to the direction of the inner slides in the outer case. Abstract	Again, this structure is vaguely similar to the preshuffler <b>by itself</b> , but is an integral and essential part of a single step shuffling operation and the shuffler itself. It is an integral part of the shuffler, not a preshuffler put into combination with a shuffler.
3	and an output portion of the pre-shuffler,	"...when the inner case is fully disposed in the outer case but permit ejection of the cards, one card from each compartment simultaneously,,," Abstract	This recited structure and function is indicative of the essential practice of a separate shuffling step, and not a preshuffling step. The individual cards deposited form the final collection of cards, thus shuffling is performed by the inner case. This is a

			shuffler, not a pre-shuffler and shuffler combination.
4	the output portion randomly delivering one group of cards at a time to an input portion of the main shuffler,	"...when the inner case is fully disposed in the outer case but permit ejection of the cards, one card from each compartment simultaneously,," <b>Abstract</b>	The claim of Applicants requires random delivery of a group of cards (define as the cards in one compartment. The reference discloses delivering one card at a time from each group. <b>This is not anticipation or equivalence.</b>
5	the main shuffler for rearranging the order of cards input into the main shuffler and for outputting cards in a substantially random order.	In FIG. 6, the first card from each compartment 17 is shown as they landed on table surface 51. Also shown is the second card from each compartment in the process of being ejected from card shuffler 1. The remaining unshuffled playing cards are shown in their respective compartments 17. <b>Col. 2, lines 19-25</b>	Again, the inner case in an integral and essential component of shuffling, not preshuffling. Furthermore, the cards are not "in a substantially random order." The order of cards in the "shuffled set are always in a final order (as compared to the original order of: 1, 6, 11, 16, 21, 2, 7, 12, 17, 22, 3, 8, 13, 18, 23, 4...etc.

It can be seen why the Examiner has cited Fineman, as it shows a set of cards broken down in a structural section into smaller groups of cards on the top part of a shuffling device. However, the structural section of Fineman shows a single step shuffling process that also lacks a preshuffler associated with a shuffler. The support surfaces 23 of Fineman support cards which are then shuffled by removing cards one at a time from each compartment 17 defined by adjacent support surfaces 23.

The claims as previously amended are constructed to recite that the shuffler must independently pre-shuffle groups of cards. The claim recites that these randomly delivered "groups of cards" are then delivered into the shuffler and the shuffler provide a final set in random order. As shown above, the Fineman structure does not perform these functions.

Fineman stores groups of cards in the compartments 17, and then delivers one card at a time in the same order inputted from each compartment 17 to form a shuffled set on the table surface 51. (See, for example, Figure 6 and Column 5, lines 1-24). There is no preshuffling.

The placement of the full set of cards into the separate compartments is not preshuffling, as no randomization is automatically achieved. Additionally, Fineman does not deliver a Group of cards (defined by Description 2 as the cards in a single compartment), but delivers individual cards (not a group) one at a time simultaneously from each compartment (See Column 5, lines 11-18 where it is clear that cards are delivered "...one card at a time from each compartment 17 at substantially the same instant.").

The fact that the claim recites the fact that the preshuffler contains multiple groups of cards and then delivers groups one at a time to the shuffler clearly distinguishes from what is taught by Fineman in function., which contains multiple groups of cards and then delivers one card at a time from each compartment at the same instance. **That cannot constitute anticipation as it is clearly different in function, even without considering that it is the shuffling operation of Fineman and the only shuffling operation of Fineman and cannot constitute two distinct functional sections of the preshuffler and shuffler.**

Even if a rejection attempts to construe the operation of Fineman as a preshuffler, then the structure cannot meet the last limitation of claim 1. It is recited that the main is "...for rearranging the order of cards input into the main shuffler and for outputting cards in a substantially random order." The cards output from the compartments of Fineman are deposited on the table surface (Figure 6) and are not then rearranged by a main shuffler. There is no such construction shown by Fineman.

Fineman shows removing cards from each of the groups in the same order at the same time from each of the groups. There is no removal of individual groups of cards at one time. There is always removal of multiple cards from multiple groups at one time.

The rejection is clearly in error and must be withdrawn.

Claims 2, 4, 7-10, 12-14, 28 and 31-32 have been rejected under 35 USC 103(a) as unpatentable over Fineman, US Patent No. 5,944,230, when further considered with Johnson (US Patent No. 6,676,127).

The rejection is clearly in error as the starting point for the rejection (the teachings of Fineman as applied to claim 1) is in error. The addition of Johnson does not overcome the initial deficiency of a separate preshuffler and shuffler in collaborative operation.

A main purpose of the Johnson system is a device that can either organize cards into a sorted set (e.g., deck) of cards, sort multiple decks into separate and even ordered decks of cards, as well as providing a shuffling operation for one or more decks of cards.

Johnson describes the operation of the sorter/shuffler as follows:

- 1) a first set of cards is provided into a card supply area (12) (Abstract and Column 1, lines 60-63);
- 2) Individual playing cards are moved from the card supply and moved one-card-at-a-time as an identified card into a specific collector or storing means (column 1, line 63 through column 2, line 4);
- 3) After the cards (referred to as articles in portions of the Johnson description) are collated, all of the cards may be dumped into a collector tray or subsequently fed into one or more discrete groups (e.g., decks).

An important point to note is that each card is moved one-at-a-time so that each card can be identified, each card is inserted as a known and identified card into a specific compartment in a collator, and each card is removed from the collator, either randomly or sequentially into a final set as a specific ordered array.

In the first mode, the device of Johnson does not act as a shuffler, but a sorting device. In the second mode, cards must be moved one-at-a-time and not in groups, if the cards are to be read. In this second mode, the Johnson system is a complete shuffling system, and both the movement of individual cards out of the input area and the random deployment of cards from the carousel consist of a single shuffling step. There is no disclosure of preshuffling of groups of cards from the input area at a single time. In fact, the first step of moving and identifying cards in Johnson constitutes an element of an organizing step or at least an organizing facilitating step, and not a preshuffling step, if any independent function is attempted to be imposed upon that action.

Johnson fails to overcome the deficiencies noted in the Fineman reference with regard to teaching the claimed subject matter. Neither reference shows a preshuffling step moving groups of cards, and neither reference shows moving groups of cards that have been preshuffled into a main shuffler. Both Fineman and Johnson are main shufflers.

New Claim 35

New Claim 35 also contains the limitation that "...the output portion delivering one group of cards at a time to an input portion of the main shuffler,..." so that this claim, without mentioning that groups of cards are randomly selected from among the compartments in the preshuffler are randomly selected for deposition into the main shuffler.

**CONCLUSION**

The rejections are clearly in error. It is respectfully submitted that all rejections removed and all claims allowed.

Respectfully submitted

On Behalf of Applicants

Peter Krenn et al.

By Their Representative

MARK A. LITMAN & ASSOCIATES, P.A.

York Business Center, Suite 205, 3209 W. 76<sup>th</sup> St.

Edina, MN 55435 (952-832-9090)

4 SEPTEMBER 2007

By: 

Atty: Mark A. Litman

Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, addressed to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 4 SEPTEMBER 2007

Mark A. Litman  
Name

  
Signature